

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

MAY 10 1995

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MAY 12 1995

OMAR STRATMAN, TONI BURTON,  
JOHN MURRAY, and MICHAEL DEVERS,

Plaintiffs,

v.

BRUCE BABBITT, Secretary of the  
Interior; ANTON LARSEN, INC.;  
LEISNOI, INC.; and KONIAG, INC.,  
Regional Native Corporation,

Defendants.

MIDDLETON, TIMME & LUKE

Case No. A76-132-CV (JAV)

SCHEDULING ORDER

FILED

MAY 11 1995

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

Pursuant to the pre-trial conference of May 1, 1995, the court and parties have identified five threshold issues in this action:

1. Whether the court should dismiss this action for failure of plaintiff Omar Stratman (hereinafter "plaintiff") to exhaust his administrative remedies;

2. Whether res judicata bars this action;

3. Whether plaintiff's second settlement agreement with Koniag, Inc. contractually precludes Stratman from proceeding against Leisnoi, Inc.;

4. Whether Section 1427 of the Alaska National Interest Lands Conservation Act constitutes congressional ratification of Leisnoi's eligibility thus barring plaintiff's action; and

5. Whether plaintiff's lis pendens should be expunged.

SCHEDULING ORDER

- 1 -

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Exhibit 4, p. 1

Defendants may file briefs on any or all of those threshold issues by June 1, 1995. Plaintiff's opposition shall be filed by July 1, 1995. Defendants' replies shall be filed by July 14, 1995.

Defendant Leisnoi has already filed a brief on the res judicata issue. Koniag and federal defendant may address the res judicata issue in their June 1, 1995 brief. Plaintiff's response to both Leisnoi's res judicata brief and any res judicata arguments contained in Koniag's or federal defendant's June 1, 1995 briefs shall be included in plaintiff's July 1, 1995 brief.

If the court does not resolve this action on one of the five threshold issues, the court will remand the matter to the Interior Board of Land Appeals for a determination of Leisnoi's eligibility.

All motions other than those relating to the threshold issues are stayed. All discovery other than discovery necessary for a resolution of the threshold issues is stayed. The parties shall confer and attempt to reach a stipulation specifying which discovery requests shall be answered because they are necessary for resolution of the threshold issues. The parties shall file such a stipulation or a report to the court setting forth the disagreements of the parties by May 25, 1995.

DATED: May 11, 1995

James B. Connelley  
U.S. DISTRICT COURT JUDGE

A76-0132--CV (JAV)

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E. BOYKO (BOYKO)  
R. MIDDLETON (MIDDLETON)  
K. SCHNEIDER  
B. LANDON (AUSA)  
A. SCHMITT

- 2 -

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